HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.1076 of 2003

Petitioners	1.	Raghava Ram Pandey, aged 45 years, s/o Shri Surajdeen Pandey, Compounder (Aushadhi Sanyojeeka) Ayurvedic Hospital, Bijawand, Distt. Bastar (C.G.).
	Versus	
Respondents	1.	The State of Chhattisgarh, Through : The Secretary, Health Services Mantralaya, Raipur, C.G.
	2.	Superintendent cum District Ayurvedic Officer, Jagdalpur, Distt. Bastar (C.G.)
	3.	Dr. Satish Kumar Tripathi, aged 45 years S/o Not known In-charge as Ayurvedic Officer, Jagdalpur, Distt. Bastar (C.G.)
	4.	Shri Rudra Narayan Pandey, aged about 40 years S/o Not known, Compounder Through : Superintendent cum Distt. Ayurvedic Officer, Bastar, Jagdalpur (C.G.).

Single Bench : Hon'ble Mr. Justice **Satish K. Agnihotri**.

Shri M.D. Sharma, Advocate for the petitioner.

Shri Sumesh Bajaj, Deputy Govt. Advocate for the Respondents No. 1 and 2.

Shri Ranbir Singh Marhas, Advocate for the respondent No.3.

ORAL ORDER

(12th January, 2006)

1. The petitioner was working as Aushadhi Sahayak (Compounder) in the Department of Health services since 27.06.1983. By order dated 21.10.2002, the petitioner was

transferred from Bajawanda to Karwaband in District-Bastar. Subsequently by order dated 6.03.2003, the earlier transfer order dated 21.10.2002 whereby the petitioner was transferred from Bajawanda to Karwaband District-Bastar was revoked. The petitioner has filed this petition impugning the relieving order dated 17.03.2003 (Annexure P/1).

2. By order dated 7.04.2003, this Court granted stay of operation of the order (Annexure P-1) till further order of this Court and the order was not modified thereafter. Pursuant to the stay order granted by this Court, the petitioner continued at Bajawanda, District-Bastar. The petitioner has enjoyed the posting at Bajawanda for more than two and half years. Transfer is an essential condition of service. It is for the employer to transfer and post an employee at a particular place in administrative exigencies and in public interest. At this stage quashing of the impugned order dated 17.03.2003, will not serve the purpose when the petitioner, by virtue of stay order passed by this Court, has already availed his posting at Bajawanda. At this stage it is for the respondents to decide whether the petitioner should be allowed to continue at Bajawand or his services are required elsewhere.

3. For the reasons stated above, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge